

10/2/2017

... And Justus Fall.
(... And Justice For All.)

I am a prisoner here in the Florida Department of Corrections. Although my incarceration began in 1999, I had not received treatment of mental illness until 2007, after an attempted suicide. It's strange how most people with mental disorders tend to believe they're fine, and it's everyone else who's nutty. At least, this is the prisoner's philosophy. Ironically, the Florida Department of Mental Health Services defines Mental Illness - "an impairment of the mental or emotional process, of the ability to exercise conscious control of one's action, or of the ability to perceive or understand reality that substantially interferes with a person's ability to meet the ordinary demands of the incarcerated environment..." However, I prefer World Book Encyclopedia's description of Mental Illness:

- Mental Illness is any disease of the mind or brain that seriously affects a person's thoughts, emotions, personality, or behavior. - For most of my life I ignored the symptoms of my mental illness; such as extreme moods - excessive sadness or anxiety, or a decreased ability to think clearly. Even now, as I am older (44 years) I'm finding it stressful to remember well. These symptoms damaged my ability to function effectively in everyday activities and situations. As a child, my milder case of mental illness passed without treatment - more severe cases of mental illness require professional treatment.

There are various causes for mental illness. Some are due to physical changes in the brain resulting from illness or injury. In my case I received two major head injuries in my life-time. The first was when I was 14 years old. I was running late for school one morning, jumped on my mongoose bicycle and peddled off. I'm not sure if the chain broke or maybe my foot slipped from the peddle, but somehow I started head-over-heels to the pavement. The next thing I remember is waking 10 min. later, home with my mother and sisters, head swollen and teeth missing. Never went to a doctor or the hospital, mamma couldn't afford it. The second accident was when I was 24 years old, life was crazy.

I had been drinking most of the day, smoking reefer (marijuana), and hanging out at a local night spot that evening. Normally, I would indulge in powder cocaine - that always seemed to balance out the drunkenness effect - but I was actually trying to quit, everything. Tired of the scene, I left, walking to a friend's house, maybe a half mile away, in the neighborhood a ways off. Some clown must have been watching me, followed me and brought his bat along with him. That didn't end well for me. I wound up in the hospital, getting 17 stitches and a cracked skull from that one. Oh, I fought the guy off, but not before he could get a home-run. He slugged me square in the face with that bat; and broke my nose too... Long story short; six months later I'm caught up in a drug deal gone bad. Results: Natural life sentence in Fla. D.O.C.

In 2015 I learned that physical changes in my brain were causing a number of disorders; and that the brain damage that resulted from those head injuries may have destroyed brain tissue. On the other hand, one psychologist advised me that brain damage could result from inherited defects, also. When I arrived at Northwest Florida Reception Center I expected to receive Assessment and intervention, Ego Assessment. This form of psychotherapy helps the practitioner determine whether intervention efforts should be directed at nurturing, maintaining, enhancing, modifying inner capacities; Mobilizing, improving, or Changing environmental conditions; Or circumstances.

On February 5, 2016, at approximately 1000 hrs. I declared a psychological emergency after an altercation with a staff/security officer. I immediately called my emergency contact, my mother, and informed her that I was threatened with physical harm by the security officer and feared being hurt by the staff member. Evenmoreso, I feared that I would injure someone else in order to defend myself. I was placed in Administrative confinement pending investigation of my complaint.

After being released from Administrative Confinement on June 18, 2016, I was assaulted by a group of inmates. The dormitory I was assigned consisted of 90' gang members and Islamist

affiliates. There is approximately 50 inmates to a wing and 4 wings to a dormitory - totalling approximately 200 inmates that were being supervised by one security officer. There was no coincidence that on the night of this incident the person supervising the dormitory is related to the officer whom I reported for misconduct earlier that year. That officer lost his post and was reassigned.

Early morning June 19, 2006, I declared a psychological emergency and told the Sergeant of what had just occurred only minutes prior. After being evaluated by the Medical Department I stressed again that I feared going back to the Dorm because I had just been assaulted and was concerned about my well-being. The sergeant conferred with the Captain and I was again, placed in Administrative Confinement. However, this time I received a Disciplinary Report (DR) for disobeying a verbal order - to return to the Dorm.

In an Request for Administrative Remedy I explained that on June 23, 2016, at a disciplinary hearing, the disciplinary team's decision of guilty was erroneous because the sergeant's verbal order to return to the Dorm was an unlawful one. I cited the Florida Administration Code governing official misconduct: "No official can give a negligent or unlawful order to anyone under his/her supervision." F.A.C. 33-208. Logically, discipline for a prisoner who refuses to obey an order that would endanger his health, safety or well-being, in the event of eminent threat, serves no remedial purpose. But, I'm in the Florida Department of Corrections...

On July 13, 2016, I received a response signed by the Warden of the facility denying relief. The response stated (in part): "Mr. [REDACTED] was ordered to return to his dormitory to which he refused; And that "Mr. [REDACTED] disobeyed a lawful order given by staff. Further, the Warden contended that "at no time during any part of his escort did Mr. [REDACTED] state that he was in fear of any inmate or staff, only that he refused to comply."

I filed a Direct Grievance to the Secretary of the Department of Corrections, notifying the Central Office that the Institutional Warden

had failed to intervene. Since arriving at N.W.F.L.R.C I had been verbally abused by staff members for filing complaints of misconduct. On the night of the assault my room-mate - a member of the group "Gangster Disciples" - told me an officer had paid the group cartons of cigarettes to retaliate in the behalf of the insubordinate officers. In other words, the Gangster Disciples and Islamist (who really are affiliates) were contracted to execute a "Hit." These groups are being supplied with home-made weapons - shanks - that officers confiscate and then recycle. The incentives range from extra food trays in the Chow Hall to drugs and cash money.

I wrote numerous grievances complaining of the wide-spread violence being promoted by officials and requested protection from such violence. This request was blatantly denied. The Central office of FL. D.O.C. stated that I didn't wait enough time for the institution to respond. Meanwhile, I waited to meet with the Inspector General on the allegations of misconduct; and because of retaliation (reprisal) requested transfer to an institution closer to Central Florida - Near my family. However, I was released back into general population on July 18, 2016; And get this. I was assigned back to the same housing location that the assault took place.

On July 28, 2016, while returning from a consultation with one of the mental Health Service workers, I was confronted by an officer believed to be a part of the "Good-ole-boy" Clique. Myself and another inmate, both of us happen to be Afro-Americans, were ordered to stand in the pouring rain while two officers stood under a shelter at the Center Gate Post. But, I noticed that several white inmates were called around us to return to their Dorms. My next response is being questioned in the United States District Court. I confronted the officer with an inquest of whether he was racially profiling or just discriminating against me and the only other Black inmate in line? Now, I maintain that the 1st Amendment of the United States Constitution has granted me the right to ask.... Naturally, the officer

was offended. I have always accepted the psychology of the saying, "sticks and stones...", and if words hurt someone, they're probably true. Whether consciously or subconsciously. What happen next was totally unnecessary. The officer lunged over the wooden podium and stabbed me-with what I first thought was an ink pen-in the shoulder, sending me backwards a bit. The female officer standing beside him was in total shock, thus, did nothing to intervene. This use of excessive force used to incorporate punishment is the focus of this essay. I use personal experience and knowledge to help civil citizens understand what happens to many of their loved ones who unfortunately end up in the prison system.

By the way, the injury seemed minor at the time, a scratch on the shoulder. But the next day the area start swelling and turned red. A few days later I declared a medical emergency because the area became infected. And discharge, yellowish-red fluid drained from it. The medical staff refuse to acknowledge that the infection resulted from the object the officer had poked me with; but could not identify any reasonable cause either. Sounds like a cover-up? It was.

What's worse is, I discovered that a mental health counselor had been sharing information with security staff and discussing issues of a confidential nature with other inmates as well. So instead of helping me, the mental health counselor made me vulnerable to attack. For instance: Anxiety Disorders are mental illness which a person experience excessive and unreasonable fear and anxieties. They include (1) Panic Disorder, (2) Obsessive-Compulsive Disorder, (3) Generalized Anxiety, and (4) Phobias. In my case O.C.D. is characterized by illogical and uncontrollable thought or impulses that result in obsessions or compulsions. Obsessions are persistent thoughts that a person consider senseless or terrible but cannot ignore. The compulsions are actions performed over and over again with little purpose, such as repeated hand washing, counting objects and in some cases exhibitionism.

I August of 2016, I filed an original Complaint to the United States District Court claiming 1) The security staff members who have current contact with 5-3 inmates have not received adequate specialized training to safely manage the special needs and problems of my mental illness; thus, do not recognize signs and symptoms of Obsessive-Compulsive Disorder (O.C.D.); 2) Officials do not properly discipline, train or supervise prison staff and are aware of the indiscriminate violence and intimidation against mentally ill prisoners, but they do not take steps to stop these behaviors; And 3) Officials were and are now knowingly and unreasonably disregarding an objectively intolerable risk of harm and they will continue to do so unless the District Court grant injunctive relief.

Florida Law, Statute 825.102 (1): A person who knowingly or willfully abuses an elderly person or disable adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree. However, Florida D.O.C. officials and their subordinates seem to be immune to such punishment. The elements of Section 825.102 (1) are: 1) Knowing and willfully; 2) abuse of an elderly person or disable adult; 3) without causing great bodily harm, permanent disability, or permanent disfigurement. Abuse is defined by statute as: 1) intentional infliction of physical or psychological injury upon an elderly person or disabled adult; 2) An unintentional infliction of physical or psychological injury to an elderly person or disabled adult; or 3) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult. A disabled adult is a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a mental illness or brain damage; and limits the ability to perform the normal activities.

On November 18, 2016, after learning that [REDACTED], my mother, wrote expressed letters to my trial judge K. Lester, Jr., and probation officer T. Harris following unsuccessful attempts to contact the office of the Public Defenders as well as the State Attorney, I made a public records request for records contained in the State Attorney file; i.e., letter

from my mother. The Chief Assistant State (Florida) Attorney responded, "We do not have a copy of a letter from [REDACTED] to the Court in our file." I made a subsequent request for the documents with the Clerk of the Court, 18th JDC, Seminole County. On January 18, 2017, the responded, "The Clerk's office has received your request. After reviewing the file, we are unable to find a letter or any documents from [REDACTED] I then made a request to Warden at the North Florida Reception Center and was granted "Priority Access" to the prison law library. I was given a copy of my on-line detail info. for the first time in almost two decades. Surprisingly, I discovered a sealed envelope filed on June 23, 1999. Again, I made an inquiry concerning the contents of the sealed envelope and an erroneous entry in the docket. Response: "The clerk has received your request. Copies are \$1. per page. The letter from defendant to judge dated 4/2/2001 is 2 pages, which would be \$2. Unfortunately, we are unable to open a sealed envelope without a Court order. Therefore, we are unable to provide that document to you."

On April 3, 2017, I petitioned the 18th JDC for writ of Mandamus. Judge M. M. Alva denied the petition as moot: "The Clerk of the Court did not send a copy of the requested document because its electronic docket reflected that the letter was in a sealed envelope. Upon review of the physical file, however, this court discovered that the letter was not filed under seal. There is no apparent basis for the letter to be deemed confidential. Therefore, a copy of the letter is attached to this order." Erroneously, I was provided a copy of a letter he wrote in 2001 to judge Lester. Finally, in an last attempt to obtain the contents of the sealed envelope from 1999, i.e., letter from my mother to judge and probation officer conducting pre-sentence Investigation, I wrote another request to the clerk of the circuit court requesting the documents contained in the envelope sealed on 6/23/1999. Again, the clerk responded: "The clerk's office has received your request for documents. We can not provide a copy of any sealed documents without a Court order."

On May 3, 2017, I filed a second/successive motion for postconviction relief - petition for writ of habeas corpus challenging the lawfulness of my current imprisonment. On June 26, 2017, an Order directing the State Attorney to respond to the claims made regarding the alleged confession of two other individuals and dismissing all remaining grounds. On June 27, 2017, (a day later) I received an Order denying petition for writ of mandamus. "This cause came before this court upon the Defendant's letter to the court filed on May 12, 2017, which shall be treated as a 'Petition for writ of mandamus'." Judge M. M. Alva ordered: "The clerk of the court did not send a copy of the requested document because it was filed under seal. Upon review of the letter, this court has determined that it may be disclosed to the Defendant." However, the petition for writ of mandamus was denied as moot.

In the newly disclosed letter my mother expressed her concerns about my mental health at the time of my trial in 1999. She described behavioral changes she observed and depression associated with drug and alcohol abuse. The symptoms she explains included extreme moods, such as excessive sadness and anxiety. She also noticed a decreased ability to think clearly or remember well. Obviously, the contents of this letter written almost 20 years ago raises the question: whether the trial court abused its discretion to conduct a competency hearing or at least some kind of mental health assessment and psychological evaluation? Of course, the court's intervention may have helped me function more appropriately during my trial proceeding; And certainly would have been more alert and helpful in assisting the Public Defender in preparation of an affirmative defense. As a result of the trial Judge's decision to suppress the information and statement made by my mother, my mental illness worsen; And I never received any psych. Eval. or treatment before my trial. I was sentenced to a mandatory Life Sentence for crimes I did not commit....

Dedekiah (psued)